THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 20856 OF 1998

Dated 21st March, 2007

Between:

Syed Mohammed Ali Nazafi.

…Petitioner

And

Andhra Pradesh State Wakf Board,
Hyderabad and another.

…Respondents.

ORAL ORDER:

In this writ petition, the petitioner seeks a mandamus declaring the action of the first respondent in not approving the candidature of the petitioner as Muthwalli of the Wakf Institution by name, Masjid-e-Jaferi, which is a registered wakf as per the provisions of the Wakf Act, 1995, as illegal and arbitrary.

It is stated that the great grand father of the petitioner, late Syed Ali Najafi was the founder and Wakif of the Wakf Institution during his life time, who nominated his elder son, late Zainul Abedin Najafi as a Muthawalli of the said Wakf. Zainul Abedin Najafi also nominated the father of the petitioner, Syed Asghar Hussain Najafi as Muthawalli, who worked as such for the said Wakf Institution. The father of the petitioner died on 7.3.1983. It is the grievance of the petitioner that though the petitioner is the eldest son of late Syed Asghar Hasan Najafi, the first respondent-Wakf Board has not considered his candidature for appointment and approval as a Muthawalli, but, however, appointed the second respondent.

It is submitted by the learned counsel for parties that during the pendency of the writ petition, the second respondent also died and no other person is appointed in the vacancy.

As much as the second respondent died after his appointment as Muthawalli, it is for the first respondent to consider as to whether the petitioner is eligible for appointment as Muthawalli or not, whenever appointment is made. Therefore, I dispose of the writ petition permitting the petitioner to make a representation to the first respondent within a period of four weeks from the date of the receipt of a copy of this order. If such a representation is filed, the first

respondent shall consider and pass appropriate orders on such representation considering his claim as per the provisions of the Andhra Pradesh Wakf Act, 1995 and the regulations made thereunder, as expeditiously as possible, and, preferably, within a period of two months from the date of the filing of the representation by the petitioner.

Subject to above directions, the writ petition is disposed of. No costs.

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21.3.2007

R.SUBHASH REDDY, J.

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